

### REMARKS/ARGUMENTS

The Office Action mailed April 11, 2007 has been received and the Examiner's comments carefully reviewed. Claims 34-39 and 44-52 are rejected. Claims 34, 38 and 47 have been amended. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

#### Claim Rejections

Claims 38-39 were rejected under 35 U.S.C. 103(a) as being unpatentable by Tzannes (US 6,778,596) in view of Hancharik (US 5,949,822). Claims 34, 36 were rejected under 35 U.S.C. 103(a) as being unpatentable by Birru et al (US 2003/0099303) in view of Hancharik (US 5,949,822). Claims 44-45 were rejected under 35 U.S.C. 103(a) as being unpatentable by Tzannes in view of Hancharik and further in view of Birru. Claim 37, 47-51 were rejected under 35 U.S.C. 103(a) as being unpatentable by Birru in view of Hancharik and further in view of Chadwick (US 5,442,646). Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable by Birru in view of Hancharik and further in view of Bessette (WO 95/22233). Claim 46 was rejected under 35 U.S.C. 103(a) as being unpatentable by Tzannes Application/Control Number: 10/713,794 Art Unit: 2618 in view of Hancharik and further in view of Chadwick. Claim 52 was rejected under 35 U.S.C. 103(a) as being unpatentable by Birru in view of Hancharik and Chadwick and further in view of Misaizu (US 5,487,089). The Applicants respectfully disagree but have amended the claims to more clearly define the invention and to advance the prosecution of this matter.

Amended Claim 34 recites in part “interleaving the first and second portions of data packets over a broadcast frame that includes sub frames, wherein each sub frame includes data associated with the first portion and data associated with the second portion that are interleaved together, and wherein each of the first portion of data packets is interleaved across multiple subframes.” In contrast, Hancharik does not teach interleaving across multiple frames.

Hancharik teaches a super-frame/frame structure that includes a super-frame composed of a multiple frames. Data in this structure, however, is *not interleaved across multiple frames* (Hancharik, Figure 1A, column 1, lines 54-61 and column 6, lines 41-60). Each of the frames includes separate pieces of data. Thus, Hancharik teaches that each piece of data is isolated in a single frame, rather than pieces of data being interleaved across multiple frames. Thus, Hancharik’s super-frame/frame structure does not teach that each of the first portion of data packets is interleaved across multiple subframes, as is recited in Claim 34.

Hancharik also teaches a frame/sub-frame that includes a frame composed of a multiple sub-frames. Hancharik’s teaches that the frames in this structure composed of both low latency data sub-frames and traffic data sub-frames. This data, however, is *not interleaved together* (Hancharik, Figure 1A, column 1, lines 54-61 and column 6, lines 41-60). Rather, the low latency data is confined to the final frame, and the traffic data is confined to the first frames. (Hancharik, Figure 1A). Thus, Hancharik’s frame/sub-frame structure does not teach that each sub frame includes data associated with the first portion and data associated with the second portion, interleaved together, as is recited in Claim 34.

Additionally, Hancharik's frame/sub-frame structure teaches that the subframes consist of *either traffic data or low latency data, but not both* (Hancharik, Figure 1A, column 1, lines 54-61 and column 6, lines 41-60). Rather than each subframe containing both types of data, Hancharik teaches that each subframe contains only one type of data. Thus, Hancharik's frame/sub-frame structure does not teach that *each sub frame includes data associated with the first portion and data associated with the second portion* that are interleaved together, as is recited in Claim 1. Since neither Hancharik's frame/sub-frame nor Hancharik's super-frame/frame structure teach interleaving the first and second portions of data packets over a broadcast frame that includes sub frames, wherein: each sub frame includes data associated with the first portion and data associated with the second portion that are interleaved together, and wherein each of the first portion of data packets is interleaved across multiple subframes, Claim 34 is proposed to be allowable. Claims 35-37 are proposed to be allowable as they depend from a valid base claim.

As amended, Claim 38 recites in part a "interleaving the first and second portions of data packets over a broadcast frame that includes sub frames, wherein each sub frame includes data associated with the first portion and data associated with the second portion that are interleaved together, and wherein each of the first portion of data packets is interleaved across multiple subframes." For at least the reasons presented above, Claim 38 is proposed to be allowable. Claims 39 and 44-46 are proposed to be allowable as they depend from a valid base claim.

As amended, Claim 47 recites in part a "interleaving the first and second portions of encoded data streams over a broadcast frame that includes sub frames, wherein each sub frame

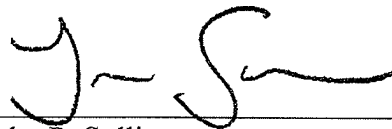
includes data associated with the first portion and data associated with the second portion that are interleaved together, and wherein each of the extracted data packets associated with the first portion is interleaved across multiple subframes.” For at least the reasons presented above, Claim 47 is proposed to be allowable. Claims 48-52 are proposed to be allowable as they depend from a valid base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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